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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,038	06/30/2000	Tetsuro Yoshioka		1110

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EXAMINER

RHODE JR, ROBERT E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/608,038

Applicant(s)

YOSHIOKA, TETSURO

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

Applicant in figures 3 and 4 use Japanese Kanji characters. For clarity, it is recommended that the applicant use English words or abbreviations. In addition, figure 5 has several references in the flow diagram to H. P. In that regard, it is recommended that the applicant change H. P - to Home Page or an easily understood abbreviation such as Home Pge.

Specification

The disclosure is objected to because of the following informalities: The Abstract has an abbreviation EC. It is recommended that the applicant spell out EC to Electronic Commerce. Moreover, the abstract's second paragraph is confusing as result of a lack of continuity from the lead paragraph's theme – of an Electronic Commerce site which will provide for each merchant participant's a reduction in cost by not requiring additional technology. For example, the applicant first paragraph establishes the fact of a system for EC system, which does not require creating/maintaining a Home Page for each merchant participant. The second paragraph however, does not continue this theme and instead addresses detail technology, which can apply to any Electronic commerce or online shopping web site. It is recommended that the applicant review and re-word to clearly demonstrate the technology connection to the theme and the support

it provides to the claimed invention. Finally, the applicant should review the specification and claims for similar concerns.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 6,351,738 B1) in view of Arnold et al (US 6,460,072 B1).

Clark discloses and teaches all record retailers shall get together and organize a Franchise system in order to establish the Headquarter for Internet business (see at least Figure 3).

However, Clark does not specifically disclose and teach the Headquarters will set up the servers for Internet (hereafter, referred to as "H. Server."). Both Franchise Stores and the Members collected by Franchise Stores -individually- will have each server (hereafter, referred to as "F. Server" and "M. Server respectively) connected with H. Server via Internet. The proposal is the "H. Server" to consist of the following data and systems:

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- a. Merchandise Information Memory Data, will be gathering information of various goods (hereafter, referred to "Goods") including records, CD, MD, Music Tape; Video Tape and DVD, etc. which are sold by Franchise Stores.
- b. Home Page Creation System will be realized through several ways: the system will be able to read the Merchandise Information Memory Data and get all the necessary merchandise information. At the same time, it will be able, through each Store's Home page Data Memory System, to collect each Store's Home Page Data, as well as the Franchise Store ID System.
- c. Home Page Sending Service, will be used in order to send the Home Page, including information, gathered from Merchandise Information Memory Data.
- d. Order Receiving System will facilitate the realization of orders from the Members, through the Home Page.
- e. Received Data Transfer System, will enable the transfer of the Order Data (received by the Order Receiving System), to the "F. Server" identified by Member Store ID System. The order data will be including the buyer's name and the ordered items.
- f. Franchise Store ID System will facilitate the identification of a franchise store to which the Members concerned belong, with the time that Members or non-Members have accessed. The System shall identify the Franchise Store to which the Member concerned belong, based on the URL set up in advance according to the defined rules.

However, Arnold discloses and teaches the Headquarter will set up the servers for Internet (hereafter, referred to as "H. Server."). Both Franchise Stores and the Members

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collected by Franchise Stores -individually- will have each server (hereafter, referred to as "F. Server" and "M. Server respectively) connected with H. Server via Internet. The proposal is the "H. Server" to consist of the following data and systems:

- a. Merchandise Information Memory Data, will be gathering information of various goods (hereafter, referred to "Goods") including records, CD, MD, Music Tape; Video Tape and DVD, etc. which are sold by Franchise Stores (Col 5, lines 34 – 39).
- b. Home Page Creation System will be realized through several ways: the system will be able to read the Merchandise Information Memory Data and get all the necessary merchandise information. At the same time, it will be able, through each Store's Home page Data Memory System, to collect each Store's Home Page Data, as well as the Franchise Store ID System (Col 5, lines 51 – 67, Col 6, lines 1 – 6 and Figures 1A and 1B).
- c. Home Page Sending Service, will be used in order to send the Home Page, including information, gathered from Merchandise Information Memory Data (Col 7, lines 20 – 22 and Figure 1A).
- d. Order Receiving System, will facilitate the realization of orders from the Members, through the Home Page (Col 6, lines 5 – 22).
- e. Received Data Transfer System, will enable the transfer of the Order Data (received by the Order Receiving System), to the "F. Server" identified by Member Store ID System. The order data will be including the buyer's name and the ordered items (Col 5, lines 40 – 45 and Figure 4A).

have accessed. The System shall identify the Franchise Store to which the Member concerned belong, based on the URL set up in advance according to the defined rules (Col 5, lines 34 – 50 and Col 6, lines 6 – 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the system of Clark with the system of Arnold to enable an online site Franchise web site to support participating franchisees with a online selling web site, which requires minimum investment in technology. In addition, the system which links the servers of the franchiser and franchisees via the internet will provide the required functions such as homepage creation and connections, ordering and transaction crediting. In that regard, a franchiser can provide significant added value for franchisees to increase sales via the web – with a minimum investment in technology. This too will benefit both parties in allowing the Franchiser to charge additional fees and insure increased sales for the franchisee.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Conklin (US 6,338,050 B1), which addresses in detail the establishing online communities for business entities - with the ability to develop and implement online selling capabilities with a minimum investment in technology.

After examination of this application, it reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.


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RER

March 20, 2003



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